

FORM PTO-1083

Docket No.: 588.1020

Date: July 10, 2007

Mail Stop: APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: **Christoph LINDENSCHMIDT et al.**
Serial No.: 10/807,030
Filed: March 23, 2004
For: **DEVICE AND METHOD FOR CONTROLLING A PARKING LOCK
HOLDING MAGNET**

Sir:

Transmitted herewith is a **Reply Brief under 37 CFR §41.41 (3 pages)** in the above-identified application.

- ☒ Also transmitted herewith are:
[] Petition for extension of time under 37 C.F.R. 1.136
[X] Other: Return Receipt Postcard
- [] Check(s) in the amount of **\$0.00** is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[] Petition fee for extension under 37 C.F.R. 1.136
[] Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that the documents referred to as attached therein and/or transmitted herewith and/or fee(s) are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on July 10, 2007.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:
Danielle C. Sullivan



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Re: Application of: Christoph LINDENSCHMIDT et al.
Application No.: 10/807,030
Filed: March 23, 2004
Art Unit: 3681
Examiner: Roger L. Pang
Attorney Docket No.: 588.1020
Title: **DEVICE AND METHOD FOR CONTROLLING A
PARKING LOCK HOLDING MAGNET**

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APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

Appellants submit this Reply Brief for consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer dated May 11, 2007 and in support of their appeal of the Final Rejection dated August 1, 2006. Appellants respectfully reassert each of the arguments asserted in Appellants' Brief dated January 26, 2007, and provides herein only a rebuttal of several of the arguments raised in the Examiner's Answer.

No fee is believed required. If any fee is required at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

ARGUMENTS

The following additional remarks are submitted for consideration by the Board under 37 CFR §41.41.

Rejections under 35 U.S.C. §103(a)

Rejections

Claims 1 to 2, 6, and 14 to 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gierer (US 6,471,027) in view of Sponable (US 5,827,149). Claims 4 and 5 were rejected under §103(a) as being unpatentable over Gierer in view of Sponable as applied to claim 1 above, and in further view of Knappe (GB 1,119,957).

Response to Examiner's statement 1(d)

The Examiner asserts on page 7, that "One of ordinary skill in the art at the time of the invention would recognize that most transmissions and transmission controls could bridge a reset," and "bridging is considered to be shifting into another gear, which 'bridging' the control of shifting into Neutral (the resettable basic setting)." How is a single shift to another gear "bridging" anything?

Response to Examiner's statement 1(i)

The Examiner asserts on page 11, "The applicant has not incorporated any of the details of the 'reset operation' (or 'reset') from the specification in the claims. The limitation is merely a label."

"Reset." has a clear meaning. It is not merely a label, but a word with a meaning as discussed in the brief. Moreover, a shift to Neutral and back again (which contradicts the assertion of "bridging" as being in one direction) does not "bridge" a reset operation.

Response to Examiner's statement 1(j)

The arguments in 1(j) are clearly not "bridging" a reset operation. See [0050].


CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this Reply Brief is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____


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